

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHAD S. WILLIAMS,

Plaintiff,

v.

THE HON. WARRANT ISSUING JUDGE
et al.,

Defendants.

16-CV-115-LJV-HKS
DECISION & ORDER

CHAD S. WILLIAMS,

Plaintiff,

v.

JUDGE PAYSON et al.,

Defendants.

16-CV-723-LJV
DECISION & ORDER

This case began in 2016, when Chad S. Williams, then pro se, filed two actions in this Court against various defendants. Docket Item 1;¹ *Williams v. Judge Payson*, Case No. 16-cv-723, Docket Item 1 (W.D.N.Y. Sept. 9, 2016). Those cases were later consolidated, Docket Item 30, and this Court subsequently referred the case to United States Magistrate Judge H. Kenneth Schroeder, Jr., for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B), see Docket Item 93.

¹ Unless otherwise noted, all citations to docket items are to 16-cv-115.

On February 22, 2024, Williams—now represented by counsel—filed a third amended complaint.² Docket Item 155. About a month later, the defendants moved to dismiss Williams’s second, third, fourth, fifth, sixth, seventh, and eighth causes of action (that is, all claims in the third amended complaint except those stated in the first cause of action). Docket Items 159 and 159-4. They also moved for summary judgment. See Docket Items 158 and 158-18. After Williams responded to both motions, Docket Items 174 and 176, the defendants replied, Docket Items 175 and 177.

On March 17, 2025, Judge Schroeder issued a Report, Recommendation, and Order (“RR&O”) finding that the defendants’ motion for summary judgment should be denied and that their partial motion to dismiss should be granted in part and denied in part. Docket Item 178. More specifically, Judge Schroeder recommended that the defendants’ partial motion to dismiss be granted as to the second, third, fourth, fifth, sixth, and eighth causes of action as well as the official capacity claims in the seventh cause of action and denied as to the individual capacity claims in the seventh cause of action.³ *Id.* at 37.

The parties did not object to the RR&O, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must

² Williams filed two versions of the third amended complaint. See Docket Items 154 and 155. The second, corrected version is the operative complaint in this action. See Docket Item 155.

³ As noted above, the defendants did not move to dismiss Williams’s first claim. See Docket Item 159-4 at 5 & n.1.

review de novo those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Schroeder's RR&O as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Schroeder's recommendation to grant in part and deny in part the defendants' partial motion to dismiss and to deny the motion for summary judgment.

For the reasons stated above and in the RR&O, the defendants' partial motion to dismiss, Docket Item 159, is GRANTED as to Williams's second, third, fourth, fifth, sixth, and eighth causes of action as well as the official capacity claims stated in Williams's seventh cause of action and DENIED as to the individual capacity claims stated in Williams's seventh cause of action. The defendants' motion for summary judgment, Docket Item 158, is DENIED. The parties shall contact the Court within 30 days of the date of this order to schedule a status conference to set a trial date.

SO ORDERED.

Dated: April 14, 2025
Buffalo, New York

/s/ Lawrence J. Vilaro
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE